

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PREDICTION COMPANY LLC,

Plaintiff,

— against —

ABHISHEK RAJGARHIA,

Defendant.

Case No. 09-Civ-7459 (SAS)

DECLARATION OF ABHISHEK RAJGARHIA

ABHISHEK RAJGARHIA declares as follows:

1. I am the defendant in this action.
2. I am a citizen and resident of India.
3. I understand that plaintiff Prediction Company LLC ("Prediction") has represented to this Court that it does not have my address in India. This is not correct.
4. Before I commenced employment with Prediction, I needed a work visa. Prediction (which is a *wholly owned subsidiary* of UBS¹), and UBS's immigration counsel, were involved in assisting me with the process of obtaining the visa. In connection with that process, and as a matter of general record keeping for UBS, on March 28, 2008, I filled out a form entitled "UBS Applicant Information" and sent it, attached to a cover email, to UBS employee Mary McDonald (at the email address mary.mcdonald@ubs.com). (A true and correct copy of the March 28, 2008 email is attached as Exhibit A.)
5. The form (which bore at the top the name of UBS's immigration counsel, Fragomen, Del Rey, Bernsen & Lowey, LLP) stated that:

If you have any questions or concerns, please feel free to contact us at:

¹ See <http://www.predict.com/html/company.htm>

212-230-2831 or UBSVisaCenter@Fragomen.com
203-719-4661 or mary.mcdonald@ubs.com

6. In the second item on the form, I accurately listed my "Address outside of the U.S." as:

Sita Bhawan, 2nd floor, South Ghandi Maidan
Patna, Bihar 80001 India

7. Although, as reflected on the form, I was then already in the United States working for a different employer, my address in India was then, and is now, the address I listed on the form.

8. In addition, before or when commencing my employment with Prediction, I was required to give Prediction a copy of my Indian passport for Prediction's files. I believe the copy of the passport that I gave Prediction showed my address in India.

9. After I terminated my employment with Prediction and (pursuant to my employment contract) returned to Prediction all Prediction-related materials in my possession, custody, or control, Prediction accused me of wrongdoing and, as a result of Prediction's accusations, I lost my job at a new employer.

10. Because I was in the United States on a work visa but was no longer employed, I was required to leave the United States *under US Immigration laws* and return to India.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on 13 April, 2010.


ABHISHEK RAJGARHIA